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LABOR RIGHTS AND THE PERSISTENCE OF INEQUALITIES IN DOMESTIC WORK IN BRAZIL

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Thirteen years after the Constitutional Amendment that extended labor rights to domestic workers in Brazil, it is clear that this legal reform represented an important milestone. However, it has not dismantled the structural inequalities shaping paid domestic work. Historically organized through the intersections of race, gender, and class, the sector remains marked by informality, precarious working conditions, insufficient protections, and the undervaluation of workers. Despite legislative advances and decades of trade unions and activist mobilization, domestic workers continue to face significant barriers to accessing and exercising their rights.

The exclusion of domestic workers from Brazilian labor protections dates back to the Consolidation of Labor Laws (CLT) of 1943, which came into effect in 1944, explicitly excluding domestic workers from its scope under Article 7. The 1988 Constitution perpetuated this inequality by granting domestic workers only a portion of the rights guaranteed to other workers. Constitutional Amendment No. 72, approved in 2013 (BRASIL. Emenda Constitucional nº 72 & e Lei Complementar nº 150), marked an important rupture with this historically differentiated form of labor citizenship. This reform, known as the Domestic Workers' Constitutional Amendment (or PEC das Domésticas in Portuguese), expanded labor protections for domestic workers.

This one-pager examines the advances introduced by the 2013 constitutional reform and its subsequent regulation, while also considering the continuing limitations of labor legislation in addressing longstanding inequalities. It draws on research and personal engagement with the field of domestic work to examine how historical patterns of exploitation, invisibility, and unequal power relations continue to shape an occupation that is essential to Brazilian society.

Although domestic workers play a central role in sustaining everyday life, their job has historically been rendered invisible or reduced to stereotypical representations. In Brazil, paid domestic work remains shaped by the legacies of slavery and by racial, gendered, and social divisions of labor, making this an undervalued and precarious occupation. Discourses portraying workers as “part of the family” often obscure unequal power relations and normalize informality and the denial of labor rights. Rather than reflecting individual choices, informal employment should therefore be understood as a structural feature of an occupation historically constructed as low-status and predominantly performed by poor and Black women.

Anthropologist and philosopher Lélia Gonzalez (1935–1994) was a pioneer of Black feminism in Brazil (Gonzalez, 1988). Her work emphasized the intersections of race, gender, and class in shaping social inequalities, providing an important framework for understanding the historical and contemporary conditions of Black women's labor, including paid domestic work.

The 2013 constitutional amendment was a historic achievement for the sector, having resulted from decades of political and trade union mobilization. Among the leading figures in this struggle, Laudelina de

Campos Melo played a foundational role in organizing the domestic workers' movement in Brazil (Pinto, 2015). Constitutional Amendment No. 72, later regulated by Complementary Law No. 150 (2015), expanded labor protections to include working hours limits, overtime, paid leave, the Severance Indemnity Fund (FGTS), and unemployment insurance—rights guaranteed to other workers but historically denied or restricted to domestic workers.

According to the Ministry of Labor and Employment, Brazil had 6.08 million domestic workers in 2023, 91.1% of whom were women. Data produced in partnership with the International Labour Organization (ILO) further indicate that Black women accounted for 66% of paid domestic workers, highlighting the persistent intersection of gender, race, and class inequalities within the sector. More recent data indicate that, by the fourth quarter of 2025, approximately 5.1 million women were engaged in domestic work, of whom 47% were day workers or diaristas and 53% were monthly-paid workers. Thus, nearly half of women engaged in domestic work were employed as day workers, a significant proportion of the workforce that remains outside the specific legal protections afforded to domestic employees (DIEESE, 2026).

A key limitation of this legal framework is precisely the exclusion of day workers or diaristas. Complementary Law No. 150/2015 defines domestic employment as work performed on a continuous basis for more than two days per week for the same employer, thereby excluding workers whose employment relationship does not meet this threshold. The significant proportion of day workers in the sector illustrates the limits of formal legal inclusion, as a substantial segment of domestic workers remains outside the scope of the legal protections established by the legislation. At the same time, the persistence of informality and precarious employment arrangements indicates that the expansion of formal labor rights has not been accompanied by their universal and effective application across the sector. Domestic workers continue to encounter employment arrangements characterized by employers' demands for live-in arrangements, unlimited availability, and the accumulation of multiple responsibilities under a single wage.

This persistence of precariousness is also evident in domestic work under conditions analogous to slavery, further illustrating the gap between formal recognition and effective enforcement. Rooted in historical relations of exploitation and the appropriation of women's labor, such conditions may involve informality, precarious working environments, violence, restrictions on freedom, and economic dependency, often normalized by the notion that the worker is “part of the family.” Between 1995 and 2023, 584 people were rescued from conditions analogous to slavery in domestic work (Soares, 2022).

Thirteen years after the Constitutional Amendment, its legacy illustrates both the importance of legal recognition and the limitations of legislation in transforming historically unequal labor relations in a society still marked by racism and patriarchal structures. While labor rights constitute an essential form of social protection, improving domestic workers' conditions also requires confronting the structural

dynamics that sustain informality, exploitation, and the insufficient recognition of care work as socially and economically essential.

Notes

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